IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 7308 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE A.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

ALOK NARAYAN BADDI

Versus

STATE OF GUJARAT

Appearance:
MR RS SANJANWALA for Petitioner
Mr. H.L.Jani, APP for Respondent No. 1

CORAM : MR.JUSTICE A.K.TRIVEDI

Date of decision: 08/12/2000

ORAL JUDGEMENT

Learned Senior Advocate Mr. K.S. Nanavaty on

behalf of the petitioner is present. Learned A.P.P. Mr. H.L. Jani is also present.

A certificate issued by the R.M.O., Sheth Vadilal Sarabhai General Hospital after examining the petitioner Alok Narayan Baddi is tendered on record by learned A.P.P.

It is reported that the concerned authority has served a detention order under the provisionf of the Prevention of Black Marketing & Maintenance of Supplies of Essential Commodities Act, 1980("PBM" for short) on the petitioner and he is committed to Central Jail, Sabarmati temporarily in accordance with the order passed by this Court.

In the facts and circumstances as apparent from the medical certificate and the fact submitted at the Bar the petitioner is already committed pursuant to a detention order under PBM Act, and as such, nothing survives in the present petition at this stage. Hence, the following order is passed:

The stay on remand order granted vide earlier order dated 7-12-2000 is vacated. The respondent no.2 shall be at liberty to claim police custody of the petitioner for remand as per earlier order dated 6-12-2000 passed in the proceedings in connection with CR no.27/2000 registered at Aslali Police Station on 19-2-2000 or to claim further remand if necesary and to complete the investigation in accordance with law. The respondents nos.2 and 3 are suggested that while keeping the petitioner on remand custody as per the earlier order of competent Court, they should strictly follow the instructions issued pursuant to the judgment rendered by the Honourable Apex Court in the matter of D.K.BASU.

With the above stated observations, the petition stands disposed of. Rule is discharged.

(A.K.Trivedi,J.)

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